MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2022/2023

PCC0012 – INTRODUCTION TO CRIMINAL AND CONSTITUTIONAL LAW

(All sections / Groups)

12 JULY 2023

9.00 a.m. – 11.00 a.m.
(2 Hours)

INSTRUCTIONS TO STUDENTS

1. Students have **TWO HOURS** to answer the questions.
2. This Question paper consists of 2 pages and 4 questions only.
3. This Question paper consists of 2 parts. Attempt **ONE compulsory question** in **Part A** and attempt **TWO out of THREE questions** in **Part B**.
4. Please write all your answers in the Answer Booklet provided.

PART A: COMPULSORY [30 MARKS]

QUESTION 1

Fel and Sui were a couple. On 14 February 2023, Fel went to Sui's apartment to celebrate Valentine's Day. Sui was still preparing for dinner in the kitchen when Fel arrived at her apartment. Sui told Fel to take a seat since she needed a bit more time for the dinner preparation. However, Fel did not respond to Sui. Fel went into the kitchen, grabbed a kitchen knife and walked towards Sui. Sui was terrified and screamed for help. Fel proceeded to stab Sui in the stomach. Sui was bleeding excessively and fainted. Mey, Sui's sister (living with Sui), came out from her room after hearing the commotion. Mey was in shock when she saw Sui was lying in a pool of blood and motionless. Fel saw Mey and started running towards her with the blood dripping knife. Mey then picked up a baseball bat and hit Fel with it. Fel fell to the ground with his head bleeding profusely.

Mey then rushed to make an emergency call. After 15 minutes, the ambulance and two police officers came to Sui's apartment. The police officers arrested Fel and the ambulance sent Sui and Fel to hospital. In the hospital, the police were informed that Sui had died and Fel sustained a traumatic brain injury. Due to the injury, Fel was in coma for two weeks.

After thorough investigation, the police found that Fel has written a suicide note and has been visiting a psychiatric specialist, Dr Stone, for almost a year. Dr Stone confirmed that Fel has been diagnosed with schizophrenia. Fel is being charged for the offence of murder under Section 302 of the Penal Code. The police also investigated Mey's act of hitting Fel with the baseball bat causing Fel to go into coma.

Based on the defences available under the Criminal Law, advise Fel and Mey. Support your answer with relevant authorities.

(Total: 30 marks)

PART B: ATTEMPT TWO OUT OF THREE QUESTIONS [70 MARKS]

QUESTION 2

"Criminal law classically describes offences as being composed of two elements: the mens rea and the actus reus. The mens rea is the guilty mind and the actus reus is the guilty act."

- *William Schabas, 'Unimaginable Atrocities: Justice, Politics, and Rights at the War Crimes Tribunals', 2012, Oxford Academic.*

Based on the statement above, explain the element of *mens rea* under criminal law. Support your answer with relevant authorities.

(Total: 35 marks)

Continued...

QUESTION 3

Discuss the executive functions of the Yang di-Pertuan Agong. Support your answer with relevant authorities.

(Total: 35 marks)

QUESTION 4

"All are equal before the law and are entitled without any discrimination to equal protection of the law All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination."

- Article 7 of the Universal Declaration of Human Rights

Based on the statement above, explain the right to equality provided under the Federal Constitution. Support your answer with relevant authorities.

(Total: 35 marks)

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